

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,185

IN THE MATTER OF:

Served September 1, 2017

Application of FREEDOM II LIMOUSINE )  
SERVICES LIMITED LIABILITY COMPANY )  
for Expansive Amendment of )  
Certificate of Authority No. 2183 )

Case No. AP-2017-120

Application of FREEDOM II LIMOUSINE )  
SERVICES LIMITED LIABILITY COMPANY )  
to Acquire Certificate No. 2183 )  
from FREEDOM II LIMOUSINE SERVICE, )  
INC. )

Case No. AP-2016-204

The above-captioned cases are before the Commission on the applications of Freedom II Limousine Services Limited Liability Company to obtain an existing certificate of authority and expand the scope of authority thereunder.

The Commission conditionally approved the transfer of Certificate of Authority No. 2183 from Freedom II Limousine Service, Inc., to applicant, Freedom II Limousine Services Limited Liability Company, on January 10, 2017, in Order No. 16,792, in Case No. AP-2016-204. Both entities are controlled by Mr. Ronald Payton, the CEO of applicant and the president of current Carrier No. 2183.

Certificate No. 2183 restricts the operations of the certificate holder to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver. Applicant proposes commencing operations with a vehicle that seats more than 15 persons, including the driver. Indeed, it is the only vehicle applicant proposes operating, hence, the application in Case No. AP-2017-120 to remove the seating capacity restriction in Certificate No. 2183.

Under Article XI, Section 10(b), of the Compact, the Commission may amend a certificate of authority "upon application by the holder". Under Article XI, Section 7(d), of the Compact, the Commission "may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest." The Commission has interpreted

Article XI, Section 7(d), to permit the expansion of authority under existing certificates even though not requested by the holders.<sup>1</sup>

In this case, where the transferee is requesting an expansive amendment of the certificate of authority being transferred, we find that good cause exists to grant that request.<sup>2</sup>

We further find that as of July 28, 2017, applicant had satisfied all conditions of Order No. 16,792, including the condition that applicant submit evidence of the minimum insurance required by Commission Regulation No. 58, which in the case of an unrestricted certificate is \$5 million.<sup>3</sup>

THEREFORE, IT IS ORDERED that Certificate of Authority No. 2183 shall be reissued without a seating capacity restriction to Freedom II Limousine Services Limited Liability Company, 2409 Naylor Road, S.E., Washington, DC 20020-4534.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS HOLCOMB, DORMSJO, AND RICHARD:



William S. Morrow, Jr.  
Executive Director

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<sup>1</sup> *In re Award of Incidental Authority*, No. MP-98-39, Order No. 5328 at 6 (May 8, 1998) (citing *Chicago, St. Paul, Minn., & Omaha Ry. v. United States*, 322 U.S. 1 (1944)).

<sup>2</sup> See Order No. 5328 at 6 (expanding authority in part to simplify application process).

<sup>3</sup> Applicant originally had until July 10, 2017, to satisfy all conditions. The deadline was extended to August 10, 2017, by Order No. 17,070, served July 6, 2017.